

Public Safety & Human Services Committee

Senator Linda Gray, Chairman



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PUBLIC SAFETY & HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

~~adoption; safe haven infants; grandparents~~ (NOW: safe haven providers; notices) (S.B. 1049) – Chapter 22

Requires fire stations, hospitals and outpatient treatment centers to post exterior notices that they accept newborn infants in a location that is noticeable to the public. Prescribes requirements for the notices. Exempts fire stations, hospitals and outpatient treatment centers from civil liability if they do not post the required notice.

~~integrated family court; court orders~~ (NOW: CPS services; court order) (S.B. 1100) – Chapter 78

Allows the court, when determining custody and parenting time, to request or order the Division of Children and Family Services in the Department of Economic Security to provide services if the court believes that a child may be the victim of child abuse or neglect.

~~divorce; disposition of property~~ (S.B. 1112) – Chapter 124

Allows the court to consider all debts and obligations related to the property when dividing community property, as well as the status of homesteads and certain personal property exempt from process for the collection of debts. Requires the court to make specific findings of fact in its decree if the division of community property is child support or spousal maintenance. Specifies that service of a petition for dissolution of marriage, legal separation or annulment does not change community property or alter the duties and rights of either spouse with respect to the management of community property.

~~AHCCCS; DES; new hires directory~~ (S.B. 1133) – Chapter 79

SEE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE.

~~extended school year; technical correction~~ (NOW: developmental disability providers) (S.B. 1219) – Chapter 190

Requires the Division of Developmental Disabilities (DDD) within the Department of Economic Security (DES) to disclose to service providers historical and behavioral information in all meetings in response to a vendor call and provides examples of historical and behavioral information. Authorizes service providers to do the following in accordance with a client's individual program plan: 1) administer medications, including assisting with the client's self-administration of medications; 2) log, store, remove and dispose of medications; and 3) maintain medications and protocols for direct care. Allows DES to adopt rules establishing procedures regarding medications. Requires a provider to notify DDD within 24 hours if an emergency situation exists in which the provider is unable to meet the health or safety needs of a client. Requires DES, on notification of an emergency situation, to hold an individual program plan meeting within 15 days after notification to recommend any changes, including whether there is a need for temporary additional staffing to provide appropriate care for a client, and develop a plan within 30 days after notification to resolve the situation. Requires the independent consulting firm to include, in its recommendation for annual

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

inflationary cost, costs arising from amendments to existing contracts unless modified in response to federal or state law.

ACJC; cold case investigation protocol (S.B. 1274) – Chapter 69

Requires the Arizona Criminal Justice Commission to compile information on best practices for conducting cold case investigations.

adult adoption (S.B. 1282) – Chapter 162

Allows an adult to adopt a person who is at least 18 but not older than 21 years of age and who consents to the adoption.

law enforcement; probation; officers; investigations (S.B. 1339) – Chapter 193

Modifies requirements regarding law enforcement or probation officer misconduct interviews and appeals of disciplinary actions. Allows an employer, in an interview the employer reasonably believes could result in dismissal, demotion or suspension, to require a law enforcement or probation officer to submit to a polygraph examination under specified circumstances. Prescribes requirements for the polygraph administrator. Requires the first request for a change of hearing officer to be granted if the employer is a county over 250,000 persons or a city over 65,000 persons. Requires the employer to bear the burden of proof in an appeal of a disciplinary action by an officer. Applies the requirements for law enforcement or probation officer appeals hearings to disciplinary actions that may result in dismissal, demotion or suspension for more than 24 hours.

child dependency cases; performance standards (S.B. 1440) – Chapter 197

Requires the Administrative Office of the Courts (AOC) to develop judicial performance standards, by December 31, 2008, for courts that handle child dependency cases and perform a review of the implementation and impact of the performance standards on the judicial management of child dependency cases. Requires AOC to submit a report of its findings and recommendations, by February 1, 2010, to the Governor and the Legislature. Repeals the provisions on October 1, 2011.

foster care; expedited permanency (S.B. 1441) – Chapter 198

Expedites permanency for children under the age of three who have been removed from their homes. Specifically, stipulates that evidence to justify the termination of parental rights includes the fact that a child under the age of three has been in out-of-home placement for a cumulative period of six months or longer pursuant to a court order and that the parent has substantially neglected or willfully refused to remedy the circumstances that cause the child to be in out-of-home placement. Requires the court to do the following within six months after a child who is under three years of age is removed from the home: 1) hold a permanency hearing to determine the future permanent legal status of the child; 2) determine whether reasonable efforts have been made to provide reunification services to the parent; and 3) determine whether the parent has substantially neglected or willfully refused to participate in those services. The Department of Economic Security must make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and complete whatever steps are necessary to finalize the permanent placement of the child. Requires the court to hold a hearing on an adoption petition within 90 days if the child is under three years of age, rather than if the child is under six months of age.

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

dependent children; placement; hearings (S.B. 1442) – Chapter 199

Requires the court, at a preliminary protective hearing, to inform certain people of the right to be heard in any proceeding to be held with respect to the child if the Department of Economic Security has placed the child with that person or if the person is a possible placement for the child and the child is not returned to the parent or guardian.

probation; facilities; safe communities act (S.B. 1476) – Chapter 298

Requires the Legislature, beginning in FY 2010-2011, to annually appropriate 40 percent of any cost savings related to a reduction in probation revocations for distribution and deposit in the Adult Probation Services Fund of each county, if there is a reduction in the percentage of supervised probationers who are convicted of a new felony offense. Provides guidelines for the use of the monies. Allows the court, effective January 1, 2009, to adjust the period of a defendant's supervised probation for earned time credit, which equals 20 days for every 30 days that a defendant exhibits positive progression toward goals and treatment of the defendant's case plan, is current on payments for court-ordered restitution and other obligations and is current on completing community restitution. Revokes any earned time credit of a probationer who is found in violation of a condition of probation, and specifies that earned time credits do not apply to certain probationers. Requires the Auditor General to complete a performance audit by July 1, 2014.

Vietnam Veterans' Memorial Day (NOW: marriage; one man; one woman) (S.C.R. 1042)

Subject to voter approval at the next general election, constitutionally specifies that only a union of one man and one woman is valid or recognized as marriage in Arizona.

interstate compact; annual assessment (H.B. 2109) – Chapter 251

Eliminates the \$25,500 cap for Arizona's annual assessment as a member state of the Interstate Compact for the Supervision of Adult Offenders and removes the requirement that an assessment over \$25,500 be appropriated by the Legislature.

DES; notice; documents; electronic service (H.B. 2204) – Chapter 98

Allows hearing officers, appeal tribunals and the Appeals Board within the Department of Economic Security to serve notices, decisions, orders and other documents by electronic means under certain circumstances. Permits a person to electronically file an affidavit for change of appeal tribunal, a petition for review and a request to reopen a hearing.

unemployment insurance; liability; liens; service (H.B. 2206) – Chapter 36

SEE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE.

fingerprinting board; good cause exceptions (H.B. 2254) – Chapter 173

Requires the members and employees of the Arizona Board of Fingerprinting (Board) to have valid fingerprint clearance cards. Requires a majority plus an additional member of the Board members present to vote to approve a good cause exception application, rather than requiring

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

unanimous decisions and requires the Board's hearing officers to make recommendations, instead of determining, whether to grant or deny good cause exceptions. Allows the Board to require good cause exception applicants to disclose evidence regarding substantiated allegations of abuse or neglect for consideration in determining the applicant's successful rehabilitation. Continues the Board until July 1, 2013.

child support; arrearages (H.B. 2276) – Chapter 63

Stipulates the timeframe for accrual of interest on past child support. For past child support reduced to a final written money judgment before the bill's effective date, interest accrues annually on principal only at a rate of ten percent beginning on entry of the judgment by the court. For past support reduced to a final written money judgment on or after the effective date of the bill, interest does not accrue for any time period. Allows the affidavit of direct payment or waiver of support arrearage to be signed by the person entitled to receive the support, rather than by both the person entitled to receive the support and the person ordered to make payment.

child support; presumptions (H.B. 2277) – Chapter 101

Requires the court, in a proceeding to establish child support and in the absence of contrary testimony, to presume that both parents are capable of full-time employment at least at the applicable state or federal adult minimum wage, whichever is higher.

DHS; licensing; electronic licensing (H.B. 2366) – Chapter 66 E

Effective April 22, 2008, modifies the requirements for the renewal of certificates of child care group homes and licenses for health care institutions and child care facilities. The bill removes the requirement that the Department of Health Services (DHS) conduct an inspection before issuing a renewal license for a health care institution. Instead, DHS must issue a renewal license on receipt of a valid application and conduct an inspection during the license period, with certain exceptions. Requires DHS to issue a renewal license to a child care facility or a renewal certificate to a child care group home on receipt of a valid application without inspecting the facility or home. Removes certain application requirements for renewal licenses and certificates, and instead only applies the requirements to initial licenses or certificates. Allows DHS to accept electronic licensure and certification applications.

department of economic security; continuation (H.B. 2390) – Chapter 104

Retroactive to July 1, 2008, the Department of Economic Security is continued until July 1, 2018.

procurement; government set aside program (H.B. 2439) – Chapter 148

Makes permanent the Arizona Set Aside Program, which requires all state governmental units to endeavor to set aside at least one percent of their new purchases or contracts for products, materials and services from Arizona Industries for the Blind, Arizona Correctional Industries or certified nonprofit agencies.

constables; ethics; training. (H.B. 2443) – Chapter 109

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

Increases, from 8 hours to 16 hours, the amount of additional annual training a constable is required to attend.

children; open court proceedings (H.B. 2453) – Chapter 278

Opens court proceedings relating to dependent children, permanent guardianships and termination of parental rights, except in certain circumstances. Allows the court to order any proceeding closed to the public for good cause shown and provides the following guidelines to the court in making that decision: whether doing so is in the child's best interests, whether an open proceeding would endanger the child's physical or emotional well-being or the safety of any other person, the privacy rights of the persons involved, whether all parties have agreed to allow the proceedings to be open and the wishes of a child who is at least 12 years old and is a party to the proceeding. Allows the court to find a person who discloses identifying information in contempt of court and to close an open proceeding at any time for good cause shown or open a closed proceeding on request.

~~CPS information; public records~~ (NOW: public records; CPS information) (H.B. 2454) – Chapter 279

Requires the Department of Economic Security (DES) to promptly provide preliminary information to the public of a Child Protective Services (CPS) case of child abuse, abandonment or neglect that resulted in a fatality or near fatality, including the identity of the child and alleged perpetrator and information on past reports and actions taken by CPS. Requires DES, on request by any person, to promptly provide additional CPS information to the person, but requires DES to notify the county attorney of any decision to release the information. Requires the county attorney to inform DES if the county attorney believes the release would cause a specific material harm to a criminal investigation. If a person believes that the county attorney has failed to demonstrate that release would cause a specific, material harm to a criminal investigation, the person may file an action in superior court to request the court to review the information and order disclosure.

Requires DES, on request, to continue to provide CPS information promptly to the public about a fatality or near fatality unless: 1) after further consultation with the county attorney, the county attorney demonstrates that release of particular CPS information would cause a specific, material harm to a criminal investigation; or 2) the release would violate federal law, the privacy of victims of crime or state statute regarding the protection of the identity or safety of a person who reports child abuse or neglect or the protection of any other person. Allows a person denied CPS information regarding a fatality or near fatality to bring a special action in superior court to order DES to release the information and requires the court to review the requested records, order disclosure and take reasonable steps to prevent any unwarranted invasions of privacy and to protect the privacy and dignity of victims of crime.

Allows DES or a person who is not specifically authorized by statute to obtain CPS information to petition a judge of the superior court to order DES to release the information. Requires the court to review the requested records and to balance the rights of the parties who are entitled to confidentiality against the rights of the parties seeking CPS information and any benefits from releasing the CPS information. Expands the list of those to whom DES or a person who receives CPS information must provide information, to include a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime.

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

CPS; criminal investigations (NOW: child protective services; records; duties) (H.B. 2455) – Chapter 280)

Contains provisions established by Laws 2008, Chapter 279, that require the Department of Economic Security (DES) to provide information to the public of a Child Protective Services (CPS) case of child abuse, abandonment or neglect that resulted in a fatality or near fatality. Stipulates that files, records, reports and other papers compiled in accordance with the termination of a parent-child relationship are subject to disclosure, rather than being withheld from public inspection. Requires DES to establish and implement protocols that DES is currently required to develop in consultation with the Attorney General, domestic violence victim advocates and mandatory reporters. In addition to the current requirement to develop and implement protocols to guide the conduct of investigations of criminal conduct, requires each county attorney, in cooperation with the sheriff, chief law enforcement officer for each municipality in the county and DES to adopt the protocols to ensure thorough investigations of those accused of crimes against children. Requires the protocols to include standards for the timely disclosure of information. Requires CPS and each county attorney to independently report the following each year: 1) the number of criminal conduct allegations investigated and how many of the investigations were conducted jointly pursuant to the investigation protocols; 2) information from each county attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of the cases; and 3) the reasons why a joint investigation did not take place. Requires DES to protect the victims' rights of the children in its custody against harassment, intimidation and abuse in instances of criminal conduct against a child.

child support; health insurance (NOW: child support; medical insurance) (H.B. 2505) – Chapter 181

Requires each parent to provide information to the court regarding the availability of medical insurance for the child that is accessible and available at a reasonable cost during proceedings to establish child support. If the court finds that neither parent has the ability to obtain medical insurance for the child that is accessible and available at a reasonable cost, the court must establish a reasonable monthly cash medical support order to be paid by the obligor. Specifies that if medical assistance is being provided by the Arizona Health Care Cost Containment System, cash medical support is assigned to the state. The court must order that medical costs in excess of the cash medical support amount be shared by both parents. Requires the Director of the Department of Insurance to annually make available to the public a list of authorized insurers transacting insurance in Arizona and offering individual health insurance plans. Allows the Director of the Department of Economic Security to disseminate the insurance information and to enter into agreements with a consortium of other states to offer medical insurance coverage to children in child support enforcement cases.

airports; designated security areas; weapons (H.B. 2574) – Chapter 116

Establishes the offense of misconduct involving weapons in a secured area of an airport as a class 1 misdemeanor. The offense includes intentionally carrying, possessing or exercising control over a deadly weapon in a secured area of an airport. Exempts certain officers, military members and individuals authorized by federal agencies from the classification.

CPS; court orders (H.B. 2594) – Chapter 182

Requires Child Protective Services to make a good faith effort to promptly obtain and abide by court orders that restrict or deny custody, visitation or contact by a parent or other person in the

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

home with the child, including asking the parent, guardian or custodian under investigation if a current court order exists.

~~CPS; missing children reports~~ (NOW: missing children; notification; procedure) (H.B. 2599) – Chapter 165

Requires Child Protective Services (CPS) to notify the appropriate law enforcement agency upon receiving a report of abuse, neglect or other information during the course of providing services that indicates the child is at risk of serious harm and the child's location is unknown. Requires CPS to provide information required to make the record entry into both the National and Arizona Crime Information Centers. Allows a peace officer or CPS worker to take a child into temporary custody because custody is clearly necessary to protect the child if the child is reported by CPS to be missing and at risk of serious harm.

~~foster care parents; respite care~~ (NOW: short-term caregivers; foster children) (H.B. 2601) – Chapter 166

Requires, if a foster parent needs to leave a foster child in the care of another person, the foster parent to use reasonable judgment in the choice of an adult to provide care. Prescribes timelines, depending on the situation, in which the foster parent must notify the Department of Economic Security (DES). Requires a foster parent who is certified to provide care to a child with developmental disabilities, a medically fragile child or a child receiving treatment foster care to implement the alternate care plan approved by DES if the foster parent must leave the child in the care of another person.

~~criminal history records; DES~~ (H.B. 2602) – Chapter 117

Requires the Director of the Department of Public Safety to authorize the exchange of criminal justice information with Child Protective Services. Limits the use of the information to investigating or responding to reports of child abuse, neglect or exploitation as provided in the Adam Walsh Child Protection and Safety Act of 2006.

~~child protective services workers~~ (NOW: children school activities; noninterference) (H.B. 2633) – Chapter 268

Requires a child welfare agency or Child Protective Services to make every reasonable effort to not remove a child who is placed in out-of-home care from school during regular school hours for appointments, visitations or activities not related to school.

~~liquor; restaurant licenses; continued operation~~ (H.B. 2643) – Chapter 256

Effective January 1, 2009, makes the following changes:

Operating a Motorized Watercraft Under the Influence (OUI) – Increases penalties for persons convicted of OUI. Specifically, mandates a minimum sentence of ten days for a person convicted of first time OUI; however, the court may suspend the entire sentence or all but 24 consecutive hours of the sentence, depending on the circumstances. Makes the following changes related to second time OUI offenses: 1) the court must order 30 hours of community service; and 2) adds a restriction to the circumstances under which the court may suspend all but 30 days of the

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

sentence. A person convicted of extreme OUI whose blood alcohol concentration is 0.20 or more must serve 45 days for a first offense and 180 days for a second offense. Adds to the aggravated OUI statute committing an extreme or second offense OUI while a person under 15 years of age is aboard the watercraft or committing a first offense OUI if the person endangers the person under 15 years of age, and specifies minimum sentences. Increases the fines and assessments for OUI offenses, aligning them with the current DUI statutes, but eliminates the civil penalty of \$1,250 for refusing to submit to a blood alcohol concentration test related to OUI.

Driving Under the Influence (DUI) – Eliminates a conflicting enactment by removing the ability of judges to suspend any portion of extreme DUI sentences and repealing language as necessary. Adds additional circumstances when an officer must serve an order of license suspension. Specifically, the officer must serve the order when the officer makes an arrest for homicide, endangerment or aggravated assault involving a motor vehicle and also when the results of a blood test are not available. Requires the Motor Vehicle Division to order a person whose license is suspended to complete alcohol or other drug screening as a condition of license reinstatement and establishes processes and procedures.

Watercrafts – Prescribes requirements for the operator of a watercraft involved in a collision, accident or other casualty. Eliminates the class 2 misdemeanor classification for not immediately stopping a watercraft to allow a peace officer to come aboard, and instead designates as a class 5 felony willfully fleeing or attempting to elude a pursuing officer who is ordering the operator ashore to correct any unlawful condition or issuing a written warning, repair order or citation.

Miscellaneous – Continues, until FY 2012-2013, the Arizona Department of Liquor License and Control's ability to approve the continuation of a restaurant license for an establishment that derives between 30 and 40 percent of its gross revenue from food sales.

dependent children; successor permanent guardianships (H.B. 2764) – Chapter 168

Allows a permanent guardian, the Department of Economic Security (DES) or an interested party, if the appointed permanent guardian is unable or unwilling to continue to serve as permanent guardian, to file a motion for appointment of a successor permanent guardian and specifies procedures. Enumerates actions the court must take when the motion is filed, including setting a hearing date within 30 days after the motion is filed, appointing attorneys for the child and proposed successor guardian, if necessary, and entering temporary orders. Requires the court to grant the motion at the hearing and set a review hearing within one year after the appointment, if the court finds that the proposed successor permanent guardian is suitable to assume the responsibilities of permanent guardian and that appointment would be in the child's best interests, and to terminate the appointment of the current permanent guardian and enter any other orders as may be necessary for the safety and well-being of the child. Allows the court to order DES or an agency to conduct an investigation and submit a written report before the review hearing. Specifies actions the court may take if the motion to appoint a successor permanent guardian does not comply with statutory requirements or if the court does not appoint a provisional or permanent successor permanent guardian.

guardians and conservators (H.B. 2836) – Chapter 248

Modifies compensation guidelines that are used by the court when a person files a petition for appointment of guardian or conservator. Specifically, stipulates that if the petitioner withdraws the

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

petition, or if the petition is denied, the court may order the compensation of the guardian or conservator, an investigator, accountant, lawyer, physician, psychologist or registered nurse to be paid either from the ward's or protected person's estate or by the petitioner, depending on the circumstances. Authorizes a conservator to exercise the powers and duties of a personal representative after the protected person's death, in certain circumstances. Unless prohibited by the court, in lieu of a final account after the death of the protected person, allows the conservator to do the following: 1) file a verified statement with the court that includes specified information and 2) deliver a copy of a closing statement to the protected person's successors that enumerates certain rights of the successors and that includes information related to property owned by and the death of the protected person. If the successors waive court review of the conservator's final account, the conservatorship is terminated and the conservator is discharged from all liabilities.

LEGISLATION VETOED

parental consent; abortion (H.B. 2263/S.B. 1102) – VETOED

Requires a pregnant minor to prove by clear and convincing evidence that she is sufficiently mature and capable of giving informed consent without consulting her parent or legal guardian based on her experience level, perspective and judgment before the judge authorizes a physician to perform an abortion without parental consent. Outlines guidelines for judges when making the determination.

The Governor indicates in her veto message that this legislation is unnecessary to establish a clear and convincing standard of proof by which a minor must convince the judge of her maturity and capability to give consent because Arizona case law already sets forth this standard and lists factors for the judge's consideration.

border officers; state laws; enforcement (H.B. 2359) – VETOED

Authorizes sheriffs, without the authority of the board of supervisors, in matters that have no financial impact to the county, to enter into agreements with Customs and Border Protection for the primary purpose of facilitating interagency communication.

In her veto letter, the Governor indicates that this legislation only affirms existing law.

~~PSPRS; investments; management~~ (NOW: driving; boating; under the influence) (H.B. 2395) – VETOED

Effective January 1, 2009, makes the following changes:

Operating a Motorized Watercraft Under the Influence (OUI) – Increases penalties for persons convicted of OUI. Specifically, mandates a minimum sentence of ten days for a person convicted of first time OUI; however, the court may suspend the entire sentence or all but 24 consecutive hours of the sentence, depending on the circumstances. Makes the following changes related to second time OUI offenses: 1) the court must order 30 hours of community service and 2) adds a restriction to the circumstances under which the court may suspend all but 30 days of the sentence. A person convicted of extreme OUI whose blood alcohol concentration is 0.20 or more must serve 45 days for a first offense and 180 days for a second offense. Adds to the aggravated OUI statute committing an extreme or second offense OUI while a person under 15 years of age is aboard the watercraft or committing a first offense OUI if the person endangers the person under 15 years of

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

age, and specifies minimum sentences. Increases the fines and assessments for OUI offenses, aligning them with the current DUI statutes, but eliminates the civil penalty of \$1,250 for refusing to submit to a blood alcohol concentration test related to OUI.

Driving Under the Influence (DUI) – Eliminates a conflicting enactment by removing the ability of judges to suspend any portion of extreme DUI sentences and repealing language as necessary. Adds additional circumstances when an officer must serve an order of license suspension. Specifically, the officer must serve the order when the officer makes an arrest for homicide, endangerment or aggravated assault involving a motor vehicle and also when the results of a blood test are not available. Requires the Motor Vehicle Division (MVD) to order a person whose license is suspended to complete alcohol or other drug screening as a condition of license reinstatement and establishes processes and procedures. Requires MVD to reduce the time period that a first time DUI offender must have an ignition interlock device (IID) installed on the person's vehicle from 12 to 6 months or the completion of the following requirements, whichever is later: 1) successful completion of a voluntary or court ordered alcohol or other drug education and treatment program and 2) maintenance of a functioning IID in compliance with statutory requirements for at least six months.

Watercrafts – Prescribes requirements for the operator of a watercraft involved in a collision, accident or other casualty. Eliminates the class 2 misdemeanor classification for not immediately stopping a watercraft to allow a peace officer to come aboard, and instead designates as a class 5 felony willfully fleeing or attempting to elude a pursuing officer who is ordering the operator ashore to correct any unlawful condition or issuing a written warning, repair order or citation.

The Governor indicates in her veto message that this legislation reduces the length of time a person must use an IID after a DUI conviction from 12 to 6 months, but that it has been less than a year since Arizona enacted the current IID law. She also indicates that IIDs have a deterrent effect on decisions to commit DUI, and that it would be premature to change the law before the state can examine its effects.

weapons; peace officers; posse; reserves (H.B. 2626) – VETOED

Allows the sheriff to authorize members of the sheriff's volunteer posse who have received firearms training approved by the Arizona Peace Officer Standards and Training Board (AzPOST) to carry a deadly weapon without a concealed carry weapon (CCW) permit while on duty. Excludes the following persons from misconduct involving weapons charges for carrying a concealed deadly weapon without a permit: 1) an AzPOST trained and sheriff approved member of the sheriff's volunteer posse or reserve organization; 2) an honorably retired law enforcement officer who possesses required photographic identification; and 3) a person who carries a deadly weapon in a manner where any portion of the weapon is visible. Increases, from a class 3 to a class 2 felony, the offense of misconduct involving weapons related to terrorism.

The Governor indicates in her veto message that she objects to the section of the bill that allows weapons to be carried without a CCW permit if any portion of the weapon is visible.

immigration; local enforcement (H.B. 2807) – VETOED

Requires sheriffs and police departments to implement a program to address violations of federal immigration laws by training peace officers or detention officers, embedding Immigration and Customs Enforcement (ICE) agents within the agency or establishing operational relationships with ICE. Requires any training to be funded by any source of federal funding or by the state if

NATURAL RESOURCES & TRANSPORTATION COMMITTEE (Cont'd.)

federal funding is unavailable. Specifies that officials, agencies or personnel of counties, cities and towns may not be prohibited or restricted from sending, receiving or maintaining information related to the immigration status of any individual or exchanging that information with any other governmental entity for specified purposes, except as prohibited by federal law.

In her veto message, the Governor indicates that this measure is an unfunded mandate to law enforcement and that nothing in current law prevents law enforcement from entering into agreements with federal immigration authorities to enforce federal immigration law, provided the officers are given proper training.